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OFFICE OF PETITIONS

In re Application of
Kazuo Okada
Application No. 10/697,027
Filed: October 31, 2003
Attorney Docket No. SHO-0043

ON PETITION

This is a decision on the petition, filed March 5, 2008, to revive the above-identified application under 37 CFR 1.137(b).

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 1, 2006. A Notice of Abandonment was mailed on July 26, 2007. On March 5, 2008, the present petition was filed, along with a Notice of Appeal (with fee), a Pre-Appeal Brief Request for Review and an Information Disclosure Statement.

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and appeal fee of \$510; (2) the petition fee of 1,540; and (3) an adequate statement of unintentional delay.

Accordingly, the petition is GRANTED.

In view of the submission of the Pre-Appeal Brief Request for Review, the period of time for filing the appeal brief will be the later of the two-month period set in 37 CFR 41.37(a) or one month from the mail date of the decision on the request. **The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.**

This application is being referred to Technology Center AU 3714 for further prosecution.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.
Inquiries relating to the prosecution of the application should be referred to the Technology Center.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions